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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLTAND DIVISION

UNITED STATES OF AMERICA

No. CR 10-55-01-MO

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

JOSE LUIS TORRES-ROJAS,

Defendant.

DATE: January 3, 2010

TIME: 10:30 a.m.

The United States of America, by United States Attorney Dwight C. Holton, United States Attorney for the District of Oregon, through Kathleen L. Bickers, Assistant United States Attorney for the District of Oregon, submits this memorandum for the court's consideration pursuant to the defendant's plea of guilty to Count 1, Conspiracy to Distribute Heroin, Count 2, Distribution of Heroin, and Count 3, Distribution of Heroin.

REASONABLE SENTENCE

The government concurs with the facts set forth in the presentence report (PSR) including its assessment that the defendant's criminal history places him in Category I. The

parties stipulate that defendant's relevant conduct pursuant to USSG §§1B1.3 and 2D1.1(a)(1)(c)(1) is at least thirty (30) kilograms of heroin and that the defendant's distribution of heroin resulted in the death of two other persons, Patrick McGinnis and Joshua Reeves, for a Base Offense Level of 38, prior to adjustments.

The parties agreed that a sentence of 135 months is a reasonable sentence in consideration of the factors set forth in 18 U.S.C. § 3553. The government detailed these factors in a previously submitted letter to the court.

Additionally, the defendant and the government agreed to request the court order the defendant to pay full restitution for expenses related to the deaths of Joshua Reeves and Patrick McGinnis. These amounts total \$6,750: the amount of \$5,800 is to be paid to John McGinnis, the father of Patrick McGinnis and the amount of \$950 is to be paid to Tony Macy, the mother of Joshua Reeves. This restitution should be imposed as a joint and several liability with the co-defendant Jose I. Hernandez Flores.

Dated this 29th day of December 2010.

Respectfully submitted,

DWIGHT C. HOLTON
United States Attorney
District of Oregon

/s/ *Kathleen L. Bickers*
KATHLEEN L. BICKERS
Assistant United States Attorney